UNITED STATES DISTRICT COURT

for the

District of New Mexico

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO
SEP 04 2018

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)
Johnel REDDIC
Date of Birth: XX/XX/1963
SSN: XXX-XX-2574

Case No. 18mr840

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the ______ District of New Mexico *(identify the person or describe property to be searched and give its location)*: See Attachment A

The person or property to be searched, described above, is believed to conceal *(identify the person or describe the property to be seized)*: See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☑ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 18 U.S.C. § 1951, and the application is based on these facts: See Attached Affidavit

☑ Continued on the attached sheet.

☐ Delayed notice of ___ days (give exact ending date if more than 30 days: ______) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

[signature]
Applicant's signature

Samuel Supnick, Special Agent ATF
Printed name and title

Sworn to before me and signed in my presence.

Date: 9-4-18

[signature]
Judge's signature

City and state: Albuquerque, NM

Kirtan Khalsa U.S. Magistrate Judge
Printed name and title

AFFIDAVIT FOR SEARCH WARRANT

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). I have been employed with ATF since January of 2017. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Title 18 and 26, United States Code.

2. Through the ATF, I attended the Criminal Investigator Training Program at the Federal Law Enforcement Training Center, as well as the Special Agent Basic Training Program at the ATF National Academy. During these programs, I received instruction in and practiced the investigation of violations of federal firearms, explosives, and arson statutes. Prior to employment with ATF, I served for three and a half years as a local police officer. My training and experience has involved, among other things: (1) the debriefing of defendants, witnesses and informants, as well as others who have knowledge of the purchase, possession, distribution, and transportation of firearms and of the laundering and concealment of proceeds of firearms and drug trafficking; (2) surveillance; (3) analysis and processing of documentary, electronic, and physical evidence; (4) the legal and illegal purchase of firearms; (5) the execution of arrest and search warrants seeking firearms and narcotics (6) and firearms trafficking.

3. The statements contained in this affidavit are based, in part, on information provided by Special Agents and/or Task Force Officers of the ATF and other law enforcement officers, and on my background and experience as a Special Agent of the ATF.

4. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

IDENTIFICATION OF THE INDIVIDUAL TO BE SEARCHED

1. The individual to be searched is Johnel REDDIC with a date of birth of XX/XX/1963 and a Social Security Number of XXX-XX-2574. He is further described as a black male, approximately 5’08” tall and 160 pounds in weight.

2. Johnel REDDIC is currently incarcerated at the Cibola County Correctional Center located in Milan, New Mexico.

3. The applied-for warrant would authorize the taking of buccal cells from Johnel REDDIC with the use of oral swabs, which would then be forwarded to a law enforcement forensic laboratory for DNA analysis.

PROBABLE CAUSE

1. On March 2, 2018, Detectives of the Albuquerque Police Department (APD) Armed Robbery Unit informed Special Agent (SA) Samuel Supnick of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) of the arrest of Perfilia CANDELARIA and Johnel REDDIC for the armed robbery of a Valero gas station, located at 4420 Zuni Road SE, Albuquerque, New Mexico.

2. SA Supnick learned from APD incident report number 180020812 and the corresponding State of New Mexico Criminal Complaint that on March 1, 2018, at approximately 10:23 PM, APD officers responded to the Valero gas station, located at 4420 Zuni Road SE, in reference to an armed robbery of that business. Arriving on scene, APD Officer (Ofc.) Flores-Vela made contact with Valero employee C.S. C.S. advised Ofc. Flores-Vela that a Hispanic or Native American female, later identified as Perfilia CANDELARIA, had entered the store and pointed a silver handgun at him. Hernandez described CANDELARIA as approximately five feet in height and wearing a grey beanie hat with eyeholes covering her whole face, black pants, and a blue jacket. Hernandez advised Ofc. Flores-Vela that CANDELARIA had demanded several items upon entering the gas station and that C.S. had complied with all commands given by CANDELARIA. C.S. advised that CANDELARIA had obtained forty-five dollars ($45.00) in United States currency from the register and approximately forty (40) packs of cigarettes.

3. APD Ofcs. Flores-Vela and Tafoya reviewed the business's surveillance footage of the incident. They observed in the surveillance footage that CANDELARIA was indeed wearing a beanie with holes, white and black shoes, black leggings, a large blue jacket, and blue gloves. They also observed that CANDELARIA pointed a silver handgun at Hernandez upon entering the business. Ofcs. Flores-Vela and Tafoya observed that upon obtaining money from the cash register and cigarettes, CANDELARIA exited the gas station and made her way to a dark-colored Sport Utility Vehicle (SUV) located outside of the Valero's property. The SUV then left the area. The officers observed that the SUV appeared to have a dark-colored top portion and light brown lower portion. A description of the vehicle was provided over the police radio.

4. At approximately 10:48 PM, APD Sergeant (Sgt.) Pitzer was patrolling in the area of 7640 Central Avenue SE when he observed an SUV with a maroon top portion and tan bottom portion parked at the Best Choice Inn, located at that address. Sgt. Pitzer had previously heard the description of the robbery suspect as a female, approximately five feet in height, wearing dark layered clothing, black and white shoes and armed with a silver handgun. Sgt. Pitzer also heard that the suspects were possibly in an SUV with a dark top and tan bottom portion. Sgt. Pitzer pulled into the parking lot and used a spotlight to illuminate the vehicle, which was occupied and bearing New Mexico registration REDDIC. When Sgt. Pitzer illuminated the vehicle, a female, later identified as CANDELARIA, jumped out of the passenger seat and attempted to walk away from the vehicle. Sgt. Pitzer commanded CANDELARIA to get back in the vehicle, and she complied. Sgt. Pitzer observed that CANDELARIA was wearing blue jeans and a dark

hooded sweatshirt, which somewhat resembled the description of the robbery suspect. Sgt. Pitzer requested that additional officers respond to his location.

5. A high risk felony traffic stop was conducted on the SUV, resulting in the removal and detention of its occupants. Johnel REDDIC was identified as the driver of the vehicle, and Perfilia CANDELARIA was identified as the passenger of the vehicle. When REDDIC and CANDELARIA were detained, APD officers observed numerous boxes of unopened cigarettes in a bag on the rear passenger side floorboard of the vehicle. A black holster was also observed on the passenger side floorboard. Sgt. Pitzer observed the silver slide of what appeared to be a handgun under the driver's seat.

6. Ofc. Flores-Vela transported C.S.to the scene of the Best Choice Inn, where Hernandez identified CANDELARIA as the female who had committed the robbery.

7. Ofc. Flores-Vela observed that the SUV, a 2003 Kia, was consistent in appearance with the vehicle he had observed in surveillance footage from the Valero. Ofc. Flores-Vela also observed the cigarettes in the back of the vehicle, as well as a blue bag consistent in appearance with the bag that CANDELARIA was observed holding in the surveillance footage of the robbery.

8. On scene of the traffic stop, Ofc. Padilla advised CANDELARIA, who was detained in handcuffs, of her rights per Miranda. CANDELARIA waived her rights and advised that she did not have a firearm. CANDELARIA advised Ofc. Padilla that the firearm was not hers, but then retracted her statement and stated that she did not know anything about a firearm.

9. An APD Crime Scene Specialist responded to the scene of the traffic stop and sealed the vehicle, which was towed to the APD Crime Lab.

10. REDDIC and CANDELARIA were transported to APD headquarters, located at 400 Roma Avenue NW. There, they were interviewed by Detective (Det.) Jared Romero. SA Supnick spoke with Det. Romero on March 5, 2018, and he advised the following information.

11. Det. Romero advised CANDELARIA of her rights per Miranda, and she agreed to speak with him. CANDELARIA advised Det. Romero that she does not like guns and that she did not know why she used the gun during the robbery. CANDELARIA stated that she was afraid of REDDIC and that he put her up to it. CANDELARIA advised that REDDIC was driving at the time of the robbery. CANDELARIA also advised that she was afraid of REDDIC retaliating against her for speaking with law enforcement.

12. Det. Romero advised REDDIC of his rights per Miranda, and he agreed to speak with him. REDDIC stated that no one else had driven his vehicle that day. REDDIC stated that he had picked up CANDELARIA somewhere on Central Avenue and that she had asked him to drop her off at the Best Choice Inn. REDDIC stated that he did not know anything about the robbery. When Det. Romero confronted REDDIC with the fact that his vehicle

was visible in the surveillance footage from the Valero, REDDIC put his head in his hands and did not respond to Det. Romero.

13. On March 2, 2018, SA Supnick traveled to the Valero gas station located at 4420 Zuni Road SE. An employee of the business provided SA Supnick with an invoice to that business from Ty Inc. for plush toys to be sold at the business. The invoice is dated February 9, 2018. The invoice is addressed from Ty Inc., P.O. Box 5377, Oak Brook, Illinois. SA Supnick obtained the shipping label from the box of plush toys, which indicated that the box was shipped from the Ty Distribution Center located in Bolingbrook, Illinois, thereby indicating that the business is engaged in interstate commerce. SA Supnick also learned that although the gas station bears Valero signage, it is operated by Circle K.

14. Also on March 2, 2018, SA Supnick obtained and viewed a copy of the surveillance footage of the March 1, 2018 robbery. In the surveillance footage, SA Supnick observed the individual identified as CANDELARIA walk across a parking lot and enter the business at approximately 10:17 PM. CANDELARIA leaves via a different door at approximately 10:18 PM. In the surveillance footage from the fuel drop area of the business, the vehicle identified as REDDIC's SUV is observed waiting in or on the side of the roadway with its headlights off at the start of relevant footage at approximately 10:18 PM. The vehicle remains stationary for approximately thirty (30) seconds, until pulling forward several feet to meet CANDELARIA, who is seen running from the area of the business. The vehicle then pulls away.

15. On March 5, 2018, SA Supnick assisted APD Detectives and Crime Scene Specialists in the execution of a State of New Mexico search warrant on the 2003 Kia SUV bearing New Mexico registration REDDIC, seized at the arrest of REDDIC and CANDELARIA. The vehicle was sealed at the scene of the seizure and remained sealed until the execution of the warrant. A black beanie with eyeholes, a blue button up shirt, and a blue jacket were located in the vehicle. A blue bag, containing approximately $3.53 in United States currency and packs of cigarettes, was also located in the rear passenger area of the vehicle. An additional one (1) dollar bill was located in the front passenger area. Additional unopened boxes of cigarettes in a plastic bag were located in the rear passenger area of the vehicle. In total, approximately forty-eight (48) packs of cigarettes were recovered from the vehicle. A black holster was observed in the front passenger area of the vehicle, while a silver handgun was located under the driver's seat. All of the above items, except the black holster, were seized as evidence. These items were consistent in appearance with those visible in the surveillance footage of the robbery.

16. SA Supnick identified the handgun seized from the vehicle as a Sturm, Ruger & Co. model 22/45, .22 long rifle caliber semiautomatic pistol, bearing serial number 220-16954. SA Supnick observed that the firearm was loaded with approximately eight (8) rounds of Peters High Velocity brand .22 long rifle caliber ammunition, to include one round in the firearm's chamber.

17. SA Supnick test fired the above firearm and determined the firearm fired and functioned as designed. Further, SA Supnick determined the above firearm was not manufactured in the State of New Mexico and was found in the State of New Mexico; therefore affecting interstate commerce.

18. SA Supnick determined that CANDELARIA is a convicted felon, having pleaded guilty to felony Possession of a Controlled Substance in case D-202-CR-201300661 in the Second Judicial District of New Mexico, County of Bernalillo. CANDELARIA was additionally convicted of felony Possession of a Controlled Substance subsequent to a revocation of probation in case D-202-CR-200805952, in the Second Judicial District of New Mexico.

19. SA Supnick reviewed the NCIC Interstate Identification Index (III) response for a query of REDDIC by FBI number 770190MA9. SA Supnick observed entries on REDDIC's III for felony convictions in California in reference to a 1991 charge for Transport/Sell Narcotics/Controlled Substance, a 1999 charge for Burglary, and a 2001 charge for Vehicle Theft. SA Supnick also observed a prior arrest for Second Degree Robbery in California from 2007 on Reddic's III.

20. Further investigation revealed that REDDIC is a convicted felon, having been convicted of Transport Cocaine in case number BA031695 out of the Superior Court of California, County of Los Angeles. REDDIC was also convicted of Burglary in case number MCR-331495-1 out of the Superior Court of California, County of Sonoma. REDDIC's felony Vehicle Theft charge appeared to have been pleaded to misdemeanor.

21. On March 6, 2018, SA Supnick reviewed surveillance footage from the business located at 413 Adams Street SE. In the surveillance footage, SA Supnick observed two figures, one shorter wearing a grey hat and dark clothing and the other taller, wearing a black hat, blue jacket or shirt and black pants. The taller figure appeared to be a black male and appeared to be holding a bag consistent in appearance with the bag held by CANDELARIA during the robbery. The figures crossed Zuni Road SE in a southbound direction, stopping at the northeast corner of the Valero gas station at approximately 10:03 PM on March 1, 2018. The figures waited until approximately 10:04 PM before walking back across Zuni Road SE in a northeast direction. Between approximately 10:15 PM and 10:16 PM, a dark colored pick up truck left from the parking lot of the Valero gas station. As the pickup truck left, the taillights and then headlights of a vehicle are visible in the portion of the frame to which the figures had walked approximately ten (10) minutes earlier. At approximately 10:16 PM, SA Supnick also observed an SUV with a dark-colored top portion and light-colored bottom portion dropping off a passenger in the area of the intersection of Adams Street SE and Zuni Road SE. The passenger then ran in the direction of the Valero gas station, and the SUV continued southbound on Adams Street SE. SA Supnick initially recorded this footage on his phone; however, Det. Romero later returned to the business and collected the images directly from its surveillance system.

22. SA Supnick did observe that the timestamp on the surveillance system at 413 Adams Street SE matched the current time when he traveled to that business on March 6, 2018. SA Supnick also traveled to the Valero on that date and observed that the timestamp on its surveillance system also matched the current time.

23. On March 7, 2018, SA Supnick obtained Federal arrests warrants for REDDIC and CANDELARIA on the basis of a criminal complaint, per Special Assistant United States Attorney Tim Trembley.

24. On March 8, 2018, SA Supnick and Det. Romero returned to the Valero gas station to review additional footage from its surveillance system. There, they observed that the system captures sound in addition to video, but this sound is apparently not transferred when the video is burned to disk. Det. Romero captured the sound from the robbery on his lapel camera system. SA Supnick and Det. Romero observed that the figures visible at approximately 10:03 PM in the adjacent business's surveillance are also visible in the Valero's surveillance. All footage from the Valero's surveillance system from 10:00 PM to 10:30 PM on March 1, 2018 was provided to Det. Romero, who later provided SA Supnick with a copy.

25. On March 9, 2018, SA's Supnick and Haanes, assisted by TFO Hernandez, traveled to the Bernalillo County Metropolitan Detention Center (MDC) and took REDDIC and CANDELARIA into Federal custody. SA Supnick transported REDDIC in his vehicle, and TFO Hernandez transported CANDELARIA in an ATF cage car from MDC to the United States District Court.

26. Once REDDIC was secured in SA Supnick's vehicle, SA Supnick offered him coffee and water and advised him of his rights per Miranda. REDDIC stated that he understood his rights. SA Supnick spoke with REDDIC about his prior employment and interests. When SA Supnick brought up the subject of the robbery, REDDIC directed the conversation away from the robbery. When SA Supnick informed REDDIC of the information he had learned in his investigation, REDDIC asked if CANDELARIA had provided that information. SA Supnick informed REDDIC that he had learned that information from surveillance footage. REDDIC then became quiet. SA Supnick encouraged REDDIC to take ownership of his actions. REDDIC, referring to an a earlier analogy provided by SA Supnick, stated that he had "no choice but to eat it." REDDIC then requested to speak with a lawyer, and SA Supnick stopped all questioning of REDDIC.

27. Following their Initial Appearances at the United States District Court on March 9, 2018, REDDIC and CANDELARIA were remanded to the custody of the United States Marshals Service. On March 12, 2018, SA Supnick provided REDDIC and CANDELARIA's remaining property to their respective defense counsels.

28. On March 12, 2018, SA Supnick traveled to the Best Choice Inn, located at 7640 Central Avenue SE. Employees of that business provided SA Supnick with room rental records from March 1 and March 2, 2018. SA Supnick did not observe the names Johnel

REDDIC or Perfilia CANDELARIA on the list of individuals renting rooms on those dates.

29. Also on March 12, 2018, SA Supnick collected the surveillance footage from the business located at 418 Washington Street SE. SA Supnick verified with a security technician of that business that the timestamp from its surveillance is accurate. In reviewing the surveillance, SA Supnick observed a vehicle with a dark top and light bottom portion pass its lot, located at the southwest corner of Zuni Road SE and Washington Street SE, at approximately 10:17 PM.

30. On March 13, 2018, SA Supnick reviewed Det. Romero's lapel camera video of his interviews with CANDELARIA and REDDIC. In the lapel video, Det. Romero advised REDDIC of his rights per Miranda. REDDIC agreed to speak with Det. Romero. REDDIC stated that he had a good day, as he had run errands and done normal things. REDDIC stated that he did not work that day. REDDIC stated that he had been with CANDELARIA sporadically throughout the day, but that the last time he had seen her was when he gave her a ride to the Best Choice Inn. REDDIC stated that this occurred right around when they were stopped by the police. Det. Romero asked if REDDIC had not seen CANDELARIA previously. REDDIC interrupted Det. Romero and stated that he had seen her off and on. Det. Romero asked if REDDIC had not seen CANDELARIA previously that day, and REDDIC stated that he had not until CANDELARIA asked him for a ride. REDDIC stated that he picked her up off of Central Avenue after he saw her out on the street. Det. Romero asked REDDIC what happened when they were being pulled over by the police. REDDIC asked Det. Romero what CANDELARIA had said. Det. Romero told REDDIC that REDDIC was lying to him, as he knew that REDDIC's vehicle was at Valero. Det. Romero stated that REDDIC was in possession of his car the entire time, and REDDIC nodded in agreement. Det. Romero stated that after the robbery occurred, CANDELARIA ran to REDDIC's vehicle. Det. Romero informed REDDIC of the serious nature of the charges against him. REDDIC put his head in his hands and stated that he did not know what to say, as CANDELARIA had called him to give her a ride to the Best Choice Inn. Det. Romero asked REDDIC why his vehicle was at the Valero at the time of the robbery and why there were items stolen during the robbery in REDDIC's vehicle. Det. Romero stated the seriousness of the situation and stated that REDDIC's vehicle is on video. REDDIC asked what his car was doing on video. Det. Romero described the surveillance footage to REDDIC. REDDIC put his head in his hands and became silent. Det. Romero asked if REDDIC had anything additional to say. REDDIC stated that there was nothing more to say, as Det. Romero had said it all, and Det. Romero was saying that is what happened. REDDIC stated that his side of the story was that CANDELARIA asked him to pick her up and give her a ride, and that is what he did. REDDIC stated that CANDELARIA had given him the cartons of cigarettes that were found in his vehicle. Det. Romero asked REDDIC how he had gotten the gun in his vehicle and REDDIC stated that he did not know anything about a gun. REDDIC stated that he did not own any guns. REDDIC stated that he did not have anything else to say, and Det. Romero concluded the interview.

31. On August 14, 2018, Det. Romero forwarded SA Supnick a digital copy of the Latent Fingerprint Unit Report and Conclusions in reference to the firearm and magazine recovered in this investigation. The report stated that no workable latents were developed.

32. Your Affiant knows it is common for an individual's DNA to be transferred to items handled by that individual; in this case, the items are a firearm and ammunition. Based upon these facts, your Affiant respectfully requests that a search warrant be issued for Johnel REDDIC, to collect a sample of buccal cells for forensic analysis and for use as evidence in court as your Affiant opines there is probable cause to suggest Johnel REDDIC previously and unlawfully possessed the above firearm and ammunition.

TECHNICAL TERMS

1. Based on my training and experience, your affiant used the following technical terms to convey the following meanings:

    a. DNA (deoxyribonucleic acid) carries design information between generations, and thus accounts for inherited biological traits (phenotypes). At conception, a father's sperm injects a set of DNA molecules into a mother's egg, which already contains a nearly matching set. Those molecules contain the designs for all the material components their child needs for growth, development, and daily living.
    b. Buccal: pertaining to the inside of the cheek, the surface of a tooth, or the gum beside the cheek.

2. Based on my training, experience, research, and from consulting with individuals employed by forensic laboratories, it is common for individuals to transfer biological materials containing their specific DNA on the objects handled by those individuals.

CONCLUSION

1. I submit that this affidavit supports probable cause for a search warrant authorizing the collection of buccal cells for forensic analysis from Johnel REDDIC to determine specific DNA for comparison with specific DNA recovered from the above described items and potentially other recovered evidence for use as evidence in court.

Respectfully submitted,

Samuel Supnick
Special Agent
ATF

Subscribed and sworn to before me
on September 4, 2018.

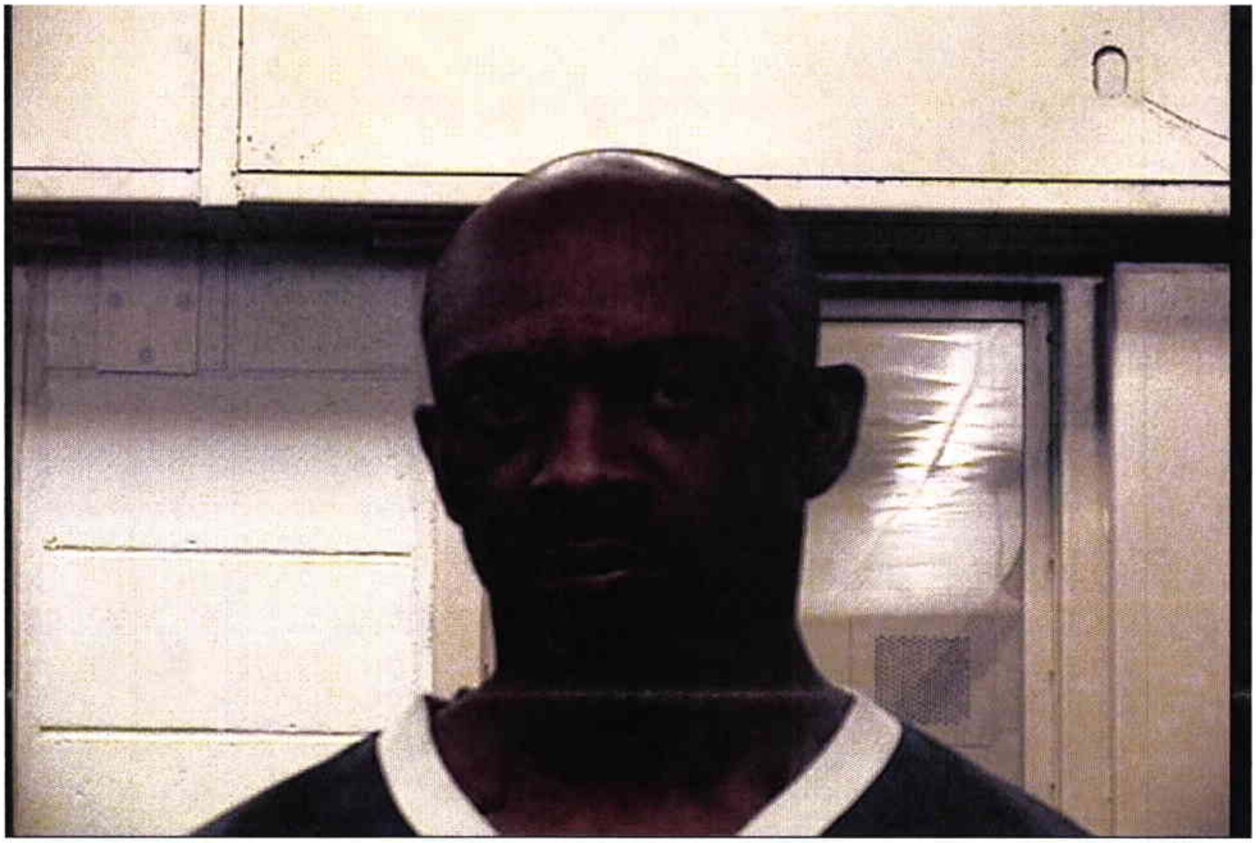
UNITED STATES MAGISTRATE JUDGE

Attachment A

DESCRIPTION OF PERSON TO BE SEARCHED

The person known as Johnel REDDIC, Date of Birth: XX/XX/1963, SSN: XXX-XX-2574. REDDIC is currently located at the Cibola County Correctional Center in Milan, New Mexico.

See below picture



Attachment B

DESCRIPTION OF EVIDENCE TO BE SEARCHED FOR AND SEIZED

DNA evidence from Johnel REDDIC; to wit; Buccal cell swabs, sufficient for DNA analysis, which would be material evidence in a criminal prosecution.